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ASHEVILLE, N.C.

JUN 13 2018

Clerk, U.S. Dist. Court  
W. Dist. of N.C.

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

Asheville Division

Case No.

1:18cv167

(to be filled in by the Clerk's Office)

Bruce Wayne Glover

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Greg Newman, Doug Mundy, & Michael Bender

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS  
(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Bruce Wayne Glover

All other names by which  
you have been known:

ID Number

~~XXXXXX~~ # 0961505

Current Institution

Mountain View Correctional Institute

Address

545 Amity Park Rd.Spruce Pine

City

NC

State

28777

Zip Code

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

**Defendant No. 1**

Name

J. Douglas MunchyJob or Title (*if known*)Assistant District Attorney 29B Judicial District

Shield Number

Employer

Henderson County Courthouse / Criminal Superior

Address

200 N. Grove Street, Suite 223Hendersonville

City

N.C.

State

28792

Zip Code

☐

Individual capacity

☒

Official capacity

**Defendant No. 2**

Name

Greg NewmanJob or Title (*if known*)District Attorney 29B Judicial District

Shield Number

Employer

Henderson County Courthouse / Criminal Superior

Address

200 N. Grove Street, Suite 223Hendersonville

City

NC

State

28792

Zip Code

☐

Individual capacity

☒

Official capacity

## Defendant No. 3

Name

Michael Bender

Job or Title (if known)

Assistant District Attorney 29B Judicial District

Shield Number

Employer

Henderson County Courthouse / Criminal Superior

Address

200 N. Grove Street, Suite 223HendersonvilleNC28792

City

State

Zip Code

☐

Individual capacity

☒

Official capacity

## Defendant No. 4

Name

Job or Title (if known)

Shield Number

Employer

Address

City

State

Zip Code

☐

Individual capacity

☐

Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐Federal officials (a *Bivens* claim)☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

N/A

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

*See Attached*

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

*See Attached*

### III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

☐

Pretrial detainee

☐

Civilly committed detainee

☐

Immigration detainee

☒

Convicted and sentenced state prisoner

☐

Convicted and sentenced federal prisoner

☒

Other (*explain*)

*We have pending charges w/ the State.*

### IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

*They arose at the Henderson County Courthouse on Sept. 18, 2017 to this date.*

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

*They arose at the Henderson County Courthouse on Sept. 18, 2017 & is still happening to this date, with more charges.*

C. What date and approximate time did the events giving rise to your claim(s) occur?

From Sept. 18, 2017 @ 9:00AM to this date & is still ongoing.

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

see Attached Page

**V. Injuries**

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

N/A

**VI. Relief**

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

See Attached Page

**VII. Exhaustion of Administrative Remedies Administrative Procedures**

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☐ Yes

☒ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

N/A

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☐ Yes

☐ No

☐ Do not know

N/A

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☐ No

☐ Do not know

N/A

If yes, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

N/A

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

N/A

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

N/A

2. What did you claim in your grievance?

N/A

3. What was the result, if any?

N/A

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

N/A

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

N/A

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

N/A

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

N/A

*(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)*

### VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.



- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☒ Yes

☐ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) Bruce W. Glover

Defendant(s) Henderson Co. Sheriff Department

2. Court (if federal court, name the district; if state court, name the county and State)

United States District Court for the Western District

3. Docket or index number

1:18-cv-00107-FDW

4. Name of Judge assigned to your case

Not aware of the judges name, though the clerks name is Frank G. Johns.

5. Approximate date of filing lawsuit

05/15/2018

6. Is the case still pending?

☒ Yes

☐ No

If no, give the approximate date of disposition. \_\_\_\_\_

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

Still ongoing

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

N/A

2. Court *(if federal court, name the district; if state court, name the county and State)*

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition \_\_\_\_\_

N/A

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

N/A

**IX. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 05/24/2018

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

Bruce Wayne Glover  
Bruce Wayne Glover  
0961505  
Mountain View Correctional Inst. 545 Anty Park Rd.  
Spence Pine NC 28777  
City State Zip Code

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
City State Zip Code

Telephone Number

E-mail Address

\_\_\_\_\_  
\_\_\_\_\_

## II. Basis for Jurisdiction

C) The fifth & fourteenth Amendments prohibits the government from depriving an inmate of life, liberty, or property without due process of law. The Due Process Clauses are designed to protect the individual against arbitrary government action.

Due Process Clauses prohibits government from infringing on prisoner's liberty interest without due process of law, also due process protections require prisoners be free of arbitrary & purposeless use of authority. A violation of procedural due process requires: (1) That the state has interfered with the inmate's protected liberty or property interest; (2) That procedural safeguards were constitutionally insufficient to protect against unjustified deprivations.

In the matter at hand, we must look at the court's & considered whether state interfered with prisoner's liberty interest & whether deprivation procedures were constitutionally sufficient.

Protected liberty interests can be created by: (A) The Due Process Clause of its own force; (B) A court order; or (C) State statutes or regulations.

At the instant case I believe Mr. Greg Newman, Mr Doug Monchy & Mr. Michael Bender violated several of my constitutional rights by falsely charges, as well as trumped up charges. I believe the whole District attorneys office try to make it look as I was a menace to society, by the falsified allegations. Furthermore I feel as they defiled my name, or as said Defamation of Character.

D. Mr. Greg Newman, Mr. Doug Mondy, & Mr. Michael Bender as a whole violated several constitutional laws by falsifying charges, or trumped up charges, defamation of character, & targeting me as a person, as well as violated of my Due Process Clause. I feel as each of these people were being vindicated, & trying to convict me on any charge they thought of.

#### IV. State of Claim

D.) As a result of this harassment, I've been sentenced to 2 consecutive sentences of 50 to 72 months by J. Douglas Mondy under the authority of Greg Newman. Also the female confidential informant stated in the courtroom that the drugs was hers & they still convicted me. I had several witnesses such as Nikki Salts, Annette Rivers, & Rose Pace.

## VI) Relief

By design there is no way to correct or even detect poor judgement, caprice, or logical error that occurs therein with the state or the District Attorneys Office.

wherefore the Plaintiff Prays that the Court:

- A.) Set aside the verdict & judgement in this case.
- B.) A set amount of Alimony for pain & suffering
- C.) that the above captioned charges be dismissed, or in the alternate
- D.) ~~Set aside~~ Any such other relief the court deems appropriate.

## \* Conditions of Confinement

### \* Failure to carry out medical orders.\*

in some cases the fault may be with correctional personnel who keep you from getting to see the medical staff or interfere with treatment that has been prescribed.  
(deliberately indifferent)

### \* (i) Prison Assignments and Regulations

- Prison housing assignments that are inconsistent with or aggravate a prisoner's medical condition may constitute ~~deliberate~~ deliberate indifference.